

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:98-cr-73-DPM

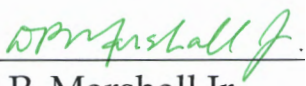
GAYLON RICHARD COX,
Reg # 69608-012

DEFENDANT

ORDER

The Court made a mistake of law. The United States is exactly right; Cox must seek and get permission from the United States Court of Appeals for the Eighth Circuit before filing the successive habeas petition he now wishes to pursue based on the *Alleyne* case. 28 U.S.C. §§ 2244(b)(3) & 2255(h); Rule 9, Rules Governing Section 2254 Cases. This bar holds irrespective of Cox's status as a restricted filer in this Court. Motion for reconsideration, *No* 142, granted. Order allowing the new petition, *No* 140, vacated. Cox must go to the Court of Appeals first.

So Ordered.



D.P. Marshall Jr.
United States District Judge

18 October 2013